

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC. *et al.*,

Defendants.

No. 2:23-cv-0932-JHC

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
COMPEL PRODUCTION OF FTC
COMMUNICATIONS AND
INTERNAL DOCUMENTS**

Defendants having filed their Motion to Compel the Production of FTC Communications and Internal Documents (the "Motion"), and the Court having considered all filings, memoranda of law, and exhibits concerning this matter, the Motion is GRANTED.

The Court hereby orders Plaintiff the Federal Trade Commission ("FTC") to produce the following documents within seven (7) days of this Order:

- a. Internal FTC documents reflecting the FTC's interpretation over time of ROSCA, negative options, and "dark patterns." *See* Ex. 1 to Joseph A. Reiter's Declaration in Support of the Motion ("Amazon's Request for Production" or "Amazon RFP") at Nos. 15, 17, 18, 21, 23, 24, 25, and 26.
- b. Documents post-dating June 21, 2023 (the date the FTC filed its complaint) that relate to the FTC's ongoing negative option rulemaking, 88 Federal Register 24716. *See* Amazon RFP No. 23.

- c. Documents relating to the FTC's 2009 report titled, "Negative Options – A Report by the staff of the FTC's Division of Enforcement" and the related workshop discussed in the report. *See* Amazon RFP No. 26.
- d. Documents in the custody of the FTC's Office of Public Affairs ("OPA"), including documents relating to the FTC's press releases about this litigation. *See* Amazon RFP Nos. 1-2, 4, 6-14, 17, 28-30.

IT IS SO ORDERED.

DATED this _____ day of _____, 2024.

UNITED STATES DISTRICT COURT JUDGE

Presented by:

By s/ James Howard

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